

Executive Summary – Enforcement Matter – Case No. 49262
SAINT-GOBAIN ABRASIVES, INC.
RN100211655
Docket No. 2014-1288-IHW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IHW

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Saint-Gobain Abrasives, 2770 West Washington Street, Stephenville, Erath County

Type of Operation:

Coated abrasive products manufacturing facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 29, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$35,733

Amount Deferred for Expedited Settlement: \$7,146

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$28,587

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 49262
SAINT-GOBAIN ABRASIVES, INC.
RN100211655
Docket No. 2014-1288-IHW-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 6, 2014

Date(s) of NOE(s): August 29, 2014

Violation Information

1. Failed to conduct hazardous waste determinations and classifications. Specifically, waste determinations and classifications were not conducted on eight waste streams [30 TEX. ADMIN. CODE §§ 335.62, 335.503, and 335.504 and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.11].
2. Failed to update the Facility's Notice of Registration ("NOR") for any changes or additional information within 90 days of the occurrence of such change or of becoming aware of additional information. Specifically, the NOR was not updated for nine waste streams [30 TEX. ADMIN. CODE § 335.6(c)].
3. Failed to include a Texas Waste Code for each hazardous waste itemized on the manifest. Specifically, six manifests did not include the correct waste code information [30 TEX. ADMIN. CODE § 335.10(a)(1) and 40 CFR § 262.20].
4. Failed to maintain records of all hazardous and industrial solid waste activities. Specifically, the Respondent did not keep records of quantities of waste generated; quantities of wastes processed or disposed of on-site; method of storage, processing or disposal as described by code listed on form; quantity of wastes shipped off-site for storage; processing and disposal; and location of all hazardous waste accumulation areas [30 TEX. ADMIN. CODE § 335.9(a)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Conduct waste determinations and classifications on all waste streams generated at the Facility;
 - ii. Update the Facility's NOR to accurately reflect all waste streams;

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RN100211655
Docket No. 2014-1288-IHW-E

- iii. Develop and implement procedures to include a Texas Waste Code for each hazardous waste itemized on the manifest; and
- iv. Begin maintaining records of all hazardous and industrial solid waste activities.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Mike Pace, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5933; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: H. Darin Barton, Plant Manager, SAINT-GOBAIN ABRASIVES, INC., 2770 West Washington Street, Stephenville, Texas 76401-3702
Patrick Millot, President, SAINT-GOBAIN ABRASIVES, INC., 750 East Swedestord Road, Valley Forge, Pennsylvania 19482
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	2-Sep-2014	Screening	3-Sep-2014	EPA Due	
	PCW	7-Apr-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	SAINT-GOBAIN ABRASIVES, INC.		
Reg. Ent. Ref. No.	RN100211655		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	49262	No. of Violations	4
Docket No.	2014-1288-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mike Pace
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$34,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	5.0% Enhancement	Subtotals 2, 3, & 7	\$1,700
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Notes: Enhancement for one NOV with same or similar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$2,944
Estimated Cost of Compliance: \$35,630
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$35,700
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.1%	Adjustment	\$33
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided costs associated with violation no. 3.

Final Penalty Amount	\$35,733
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$35,733
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DEFERRAL	20.0% Reduction	Adjustment	-\$7,146
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$28,587
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Screening Date 3-Sep-2014

Docket No. 2014-1288-IHW-E

PCW

Respondent SAINT-GOBAIN ABRASIVES, INC.

Policy Revision 4 (April 2014)

Case ID No. 49262

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211655

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Mike Pace

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with same or similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 5%

Screening Date 3-Sep-2014

Docket No. 2014-1288-IHW-E

PCW

Respondent SAINT-GOBAIN ABRASIVES, INC.

Policy Revision 4 (April 2014)

Case ID No. 49262

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211655

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Mike Pace

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 335.62, 335.503, and 335.504 and 40 Code of Federal Regulations ("CFR") § 262.11

Violation Description Failed to conduct hazardous waste determinations and classifications. Specifically, waste determinations and classifications were not conducted on eight waste streams.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 8

8 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$30,000

Eight single events (one event for each waste stream) are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$30,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,785

Violation Final Penalty Total \$31,529

This violation Final Assessed Penalty (adjusted for limits) \$31,529

Economic Benefit Worksheet

Respondent SAINT-GOBAIN ABRASIVES, INC.
Case ID No. 49262
Reg. Ent. Reference No. RN100211655
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$33,600	6-Aug-2013	3-Apr-2015	1.66	\$2,785	n/a	\$2,785
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct waste determinations and classifications on eight waste streams (\$4,200 per waste stream). The date required is the initial investigation date, and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$33,600

TOTAL

\$2,785

Screening Date 3-Sep-2014

Docket No. 2014-1288-IHW-E

PCW

Respondent SAINT-GOBAIN ABRASIVES, INC.

Policy Revision 4 (April 2014)

Case ID No. 49262

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211655

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Mike Pace

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.6(c)

Violation Description

Failed to update the Facility's Notice of Registration ("NOR") for any changes or additional information within 90 days of the occurrence of such change or of becoming aware of additional information. Specifically, the NOR was not updated for nine waste streams.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

28 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$83

Violation Final Penalty Total \$1,314

This violation Final Assessed Penalty (adjusted for limits) \$1,314

Economic Benefit Worksheet

Respondent SAINT-GOBAIN ABRASIVES, INC.
Case ID No. 49262
Reg. Ent. Reference No. RN100211655
Media Industrial and Hazardous Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	----------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$1,000	6-Aug-2013	3-Apr-2015	1.66	\$83	n/a	\$83
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Facility's NOR to accurately reflect all waste streams. The date required is the initial investigation date, and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$83

Screening Date 3-Sep-2014

Docket No. 2014-1288-IHW-E

PCW

Respondent SAINT-GOBAIN ABRASIVES, INC.

Policy Revision 4 (April 2014)

Case ID No. 49262

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211655

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Mike Pace

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 335.10(a)(1) and 40 CFR § 262.20

Violation Description

Failed to include a Texas Waste Code for each hazardous waste itemized on the manifest. Specifically, six manifests did not include the correct waste code information.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 6

6 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,500

Six single events (one event for each manifest) are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$49

Violation Final Penalty Total \$1,576

This violation Final Assessed Penalty (adjusted for limits) \$1,576

Economic Benefit Worksheet

Respondent SAINT-GOBAIN ABRASIVES, INC.
 Case ID No. 49262
 Reg. Ent. Reference No. RN100211655
 Media Industrial and Hazardous Waste
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	6-Aug-2014	3-Apr-2015	0.66	\$16	n/a	\$16
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and implement procedures to include a Texas Waste Code for each hazardous waste itemized on the manifest. The date required is the investigation date, and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$30	19-Aug-2013	6-Aug-2014	1.88	\$3	\$30	\$33

Notes for AVOIDED costs

Estimated avoided cost to include the Texas Waste Codes on six manifests (\$5 per manifest). The date required is the initial investigation date, and the final date is the investigation date.

Approx. Cost of Compliance

\$530

TOTAL

\$49

Screening Date 3-Sep-2014

Docket No. 2014-1288-IHW-E

PCW

Respondent SAINT-GOBAIN ABRASIVES, INC.

Policy Revision 4 (April 2014)

Case ID No. 49262

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211655

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Mike Pace

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 335.9(a)(1)

Violation Description

Failed to maintain records of all hazardous and industrial solid waste activities. Specifically, the Respondent did not keep records of quantities of waste generated; quantities of wastes processed or disposed of on-site; method of storage, processing or disposal as described by code listed on form; quantity of wastes shipped off-site for storage; processing and disposal, and location of all hazardous waste accumulation areas.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

28 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$1,314

This violation Final Assessed Penalty (adjusted for limits) \$1,314

Economic Benefit Worksheet

Respondent SAINT-GOBAIN ABRASIVES, INC.

Case ID No. 49262

Reg. Ent. Reference No. RN100211655

Media Industrial and Hazardous Waste

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	6-Aug-2013	3-Sep-2014	1.08	\$27	n/a	\$27
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain records of all hazardous and industrial solid waste activities. The date required is the initial investigation date, and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$27

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PENDING Compliance History Report for CN600354633, RN100211655, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600354633, SAINT-GOBAIN ABRASIVES, INC. **Classification:** SATISFACTORY **Rating:** 5.19

Regulated Entity: RN100211655, Saint-Gobain Abrasives **Classification:** SATISFACTORY **Rating:** 1.00

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 2770 W WASHINGTON ST STEPHENVILLE, TX 76401-3702, ERATH COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER EF0012C

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD070803432

AIR NEW SOURCE PERMITS PERMIT 22015

AIR NEW SOURCE PERMITS REGISTRATION 76214

AIR EMISSIONS INVENTORY ACCOUNT NUMBER EF0012C

AIR OPERATING PERMITS PERMIT 2707

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 33736

AIR NEW SOURCE PERMITS ACCOUNT NUMBER EF0012C

AIR NEW SOURCE PERMITS AFS NUM 4814300015

POLLUTION PREVENTION PLANNING ID NUMBER P00897

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: September 12, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 12, 2009 to September 12, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Mike Pace

Phone: (817) 588-5933

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- | | | | |
|---|--------------|---|--------------------------|
| 1 | Date: | 10/18/2013 (1105083) | CN600354633 |
| | Self Report? | NO | Classification: Moderate |
| | Citation: | 30 TAC Chapter 335, SubChapter C 335.62
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11 | |
| | Description: | Failure to complete a hazardous waste determination for each solid waste generated. | |

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.6(c)		
Description:	Failure to provide written notification for all waste streams.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.10 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20		
Description:	Failure to properly complete manifests.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.13(k) 40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.42(a)(2)		
Description:	Failure to submit an exception report.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.9(a)(1) 30 TAC Chapter 335, SubChapter A 335.9(a)(1)(G)		
Description:	Failure to maintain records of waste activities.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 335, SubChapter A 335.9(a)(2)		
Description:	Failure to submit the Annual Waste Summary before March 1.		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SAINT-GOBAIN ABRASIVES, INC.
RN100211655**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-1288-IHW-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding SAINT-GOBAIN ABRASIVES, INC. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a coated abrasive products manufacturing facility at 2770 West Washington Street in Stephenville, Erath County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 3, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Five Thousand Seven Hundred Thirty-Three Dollars (\$35,733) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Eight Thousand Five Hundred Eighty-Seven Dollars (\$28,587) of the administrative penalty

and Seven Thousand One Hundred Forty-Six Dollars (\$7,146) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to conduct hazardous waste determinations and classifications, in violation of 30 TEX. ADMIN. CODE §§ 335.62, 335.503, and 335.504 and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.11, as documented during a record review conducted on August 6, 2014. Specifically, waste determinations and classifications were not conducted on eight waste streams.
2. Failed to update the Facility's Notice of Registration ("NOR") for any changes or additional information within 90 days of the occurrence of such change or of becoming aware of additional information, in violation of 30 TEX. ADMIN. CODE § 335.6(c), as documented during a record review conducted on August 6, 2014. Specifically, the NOR was not updated for nine waste streams.
3. Failed to include a Texas Waste Code for each hazardous waste itemized on the manifest, in violation of 30 TEX. ADMIN. CODE § 335.10(a)(1) and 40 CFR § 262.20, as documented during a record review conducted on August 6, 2014. Specifically, six manifests did not include the correct waste code information.
4. Failed to maintain records of all hazardous and industrial solid waste activities, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(1), as documented during a record review conducted on August 6, 2014. Specifically, the Respondent did not keep records of quantities of waste generated; quantities of wastes processed or disposed of on-site; method of storage, processing or disposal as described by code listed on form; quantity

of wastes shipped off-site for storage; processing and disposal; and location of all hazardous waste accumulation areas.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: SAINT-GOBAIN ABRASIVES, INC., Docket No. 2014-1288-IHW-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Conduct waste determinations and classifications on all waste streams generated at the Facility, in accordance with 30 TEX. ADMIN. CODE §§ 335.62, 335.503, and 335.504 and 40 CFR § 262.11;
 - ii. Update the Facility's NOR to accurately reflect all waste streams, in accordance with 30 TEX. ADMIN. CODE § 335.6;
 - iii. Develop and implement procedures to include a Texas Waste Code for each hazardous waste itemized on the manifest, in accordance with 30 TEX. ADMIN. CODE § 335.10(a)(1) and 40 CFR § 262.20; and
 - iv. Begin maintaining records of all hazardous and industrial solid waste activities, in accordance with 30 TEX. ADMIN. CODE § 335.9(a)(1).
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager
Stephenville Regional Office
Texas Commission on Environmental Quality
580-D West Lingleville Road
Stephenville, Texas 76401

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be

copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director


8/14/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

29 APR 15
Date

H. DARIN BARTON
Name (Printed or typed)
Authorized Representative of
SAINT-GOBAIN ABRASIVES, INC.

PLANT MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.